

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DEYONTAE CORNAIL STINSON,

Plaintiff,

v.

OPINION and ORDER

RENNAE SCHUELER, ANGELA HODGE,
SALAMULLAH SYED, TERESA EAILR, and
DENISE VALERIUS,

19-cv-379-jdp

Defendants.

In an order entered on October 28, 2019, I dismissed plaintiff Deyontae Cornail Stinson's complaint for Stinson's failure to comply with Federal Rule of Civil Procedure 8. Dkt. 13. I gave Stinson until November 18, 2019, to submit a proposed amended complaint addressing the deficiencies I discussed in the October 28 order. I also warned Stinson that failing to respond would result in dismissal of this case with prejudice for his failure to state a claim upon which relief can be granted and that he would be issued a "strike" under 28 U.S.C. § 1815(g). *See id.* at 5; *see also Paul v. Marberry*, 658 F.3d 702, 704–05 (7th Cir. 2011) (court should assess strike for failure to correct a pleading that violates Rule 8).

It is now past Stinson's deadline, and he has not filed an amended complaint. Stinson did file a declaration on October 29 in which he sought to add a new exhibit relevant to the lack of treatment for his knee injury (although no additional exhibit was included with Stinson's filing). *See* Dkt. 14. Stinson's declaration is dated October 28, 2019. Court orders typically take a day or two to reach prisoner litigants, so it is doubtful that Stinson had received my October 28 order at the time he submitted his declaration. In any event, the declaration is

not responsive to the instructions I provided in my October 28 order, which asked Stinson to explain how each of the defendants he named are specifically responsible for violating his rights.

Because Stinson has not responded to my October 28, 2019 order, I will dismiss the case and assess Stinson a strike.

ORDER

IT IS ORDERED that:

1. This case is DISMISSED with prejudice for plaintiff Deyontae Cornail Stinson's failure to state a claim upon which relief can be granted. The clerk of court is directed to enter judgment and close this case.
2. The clerk of court is directed to record a "strike" for plaintiff under 28 U.S.C. § 1915(g).

Entered December 3, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge